

**REGULAR MEETING  
6:30 P.M.**

**I. Call to Order:** The Regular Meeting of the Lowell Planning Commission was called to order by Chairman Hook on December 15 2003, at 6:55 P.M. at the Lowell Administration Building.

**II. Roll Call:** On roll call the following Commissioners responded: Darrin Dickson, Mike Hook, Gene Graham, Paul Farris, Keith Williams, Salena Wright-Brown and Mitchel Wright. Also present were Phil Biggers, Mayor, Phil Swope, City Engineer, and Secretary Kelly Kennedy. A quorum was present.

**III. Absent:** none

**IV. Approval of Minutes:**

Chairman Hook asked for approval of the minutes of the regular meeting of December 1, 2003 and asked for any discussion, corrections or errors. Chairman Hook then asked for a motion.

**Commissioner Graham then moved to accept the minutes as written. Commissioner Farris seconded the motion. A voice vote was then taken; the minutes were approved with no dissenting votes. The motion was carried.**

**V.  
Public Hearing:**

Re-zone – Rolloff Services – David Harsh, (Representative)  
Rezone from Agricultural 1 (A1) to Industrial 1 (I1)

Chairman Hook explained that the Public Hearing would be the same as the Public Hearings at the Board of Adjustment meeting, that the representative from Roll Off would be coming up to the podium to explain the request of the rezone, then if anyone from the general public would like to come up and speak, then they would be welcome to do so at that time, but once the public hearing has been closed then the discussion would be between the Commissioners to then discuss the rezoning and then to vote upon the issue at that time.

Chairman Hook then opened the Public Hearing at 6:59pm. David Harsh, representative of Roll Off Services presented to the podium, and stated that he was the project manager. Mr. Harsh stated that there is a contract on the land in question to purchase it, they are looking to place a recycling facility there, there are several items that need to be done before the facility can be built, the first being a rezone, then a conditional use permit,

then a large scale development and finally a permit from the Arkansas Department of Environmental Quality. Mr. Harsh explained that this is the first step in the process and it is their intent to put the recycling facility at the location, however if those plans change, Roll Off would still like to purchase the property and would like to know that it is going to be rezoned from A-1 to I-1. Mr. Harsh stated in the application the land is currently zoned A-1 due to the park that was originally intended to be sited at that location. The request from Roll Off is to be rezoned to I-1 to more accurately reflect the potential use of the location. Mr. Harsh continued that the rezone would be consistent with the Lowell future Land Use Plan. The adjacent properties to the North, West and South are zoned I-1, to the East is the Rail Road which is adjacent to the Southfork Subdivision.

Commissioner Graham asked if the Morning News had misquoted Mr. Harsh on the article that was written which stated that the proposed facility was earmarked as a "transfer station". Mr. Harsh confirmed that the site was to be a recycle facility which is different than a transfer station. Mr. Harsh then reiterated the fact that at this meeting, what was up for consideration was the rezoning of the property not the conditional use permit. Commissioner Graham clarified for the public that was present that this item was solely for the rezone. Mr. Harsh stated that there were still several meetings that would need to be held and much discussion before the conditional use permit would be coming before the Planning Commission.

Chairman Hook then asked if there were any comments from the general public that would like to speak for or against the rezoning issue.

**David Dinan resident of Southfork Subdivision presented to the podium.** He stated that he had several remarks regarding the zoning which would lead to the SMRF, (Recycling Facility). He stated that he had several points that he wanted to present to the Commission. His first concern was the possible smell, that there is a possibility that there would be 30-40 large trucks per day of trash that would be going through the facility. His concern was of how the smell would be contained as it would be downwind to the Southfork Subdivision. His second concern was that of the noise, with all of the machines that would be required to process the large amount of trash, he cited the trash compactors and the sorting machinery. Another concern that he mentioned was the possibility of the facility becoming an eyesore, he stated that he was not really concerned about the first year, but after several years of operation, that the facility which would have the capacity to handle 90,000 tons of trash, he stated his concern as to how it would be kept clean and not present an eyesore to Lowell. He further stated that he was concerned about the loss of property value of the Southfork Subdivision. He stated that he has spoken with several realtors and that no one is certain, but that it is estimated that over \$10,000.00 could be lost. Mr. Dinan also stated that there could be a loss of tax revenue for the city as well. He stated that as an example he currently pays \$782.99 in property tax for his home, with a loss of property value (of 10%) his payment would be

\$691.39 making that a total of \$90.00 difference multiply that by 260 homes, it would be approximately \$23,814.00 less in property tax that would be paid, most of which goes to the school in Lowell. He went on to say that Roll Off's potential tax revenue is somewhere between \$10,000 and \$25,000, depending on how much property value was lost vs. how much taxes are gained from the Rolloff Services company, Lowell could actually stand to lose money. Mr. Dinan stated that the figures did not include the loss of property value from properties near by, not just in the Southfork Subdivision. He continued with the fact that there is a lot of undeveloped land near the potential Rolloff facility would be, and he stated his concern that he did not want it to start precedence for other similar types of facilities to be built in Lowell. Mr. Dinan stated his concern that the facility poses a possible liability for the future. ADEQ (the state governmental body, which regulates this type of facility) regulations are fairly broad for this type of facility. He continued that a conditional use permit would be issued for this type of facility and the City of Lowell would have to be the enforcing body for the conditions. He continued that this could cause possible long term legal ramifications in the future for the City of Lowell that the city might have to hire a specific attorney to enforce conditional use permits. Mr. Dinan stated his concern regarding rodents, insects and animals being attracted to the facility; he quoted ADEQ regulation 22 which states "A SMRF can not be built within 10,000 feet of a runway due to bird hazard to aircraft." Mr. Dinan continued, if this facility could attract enough birds to bring down an aircraft, then what other types of rodents and insects could this facility possibly bring. Mr. Dinan stated that one of the proposals for bringing this facility in would possibly create a long term contract for handling waste management in Lowell, which Roll Off intended to give Lowell a good price. He stated that through his experience, getting into a long term contract generally hurts the price advantage and does not allow for good quality of service, that it is important that a company earns your business every year and that you continue to get the best prices. Mr. Dinan then began to address his concerns about the litter and his proximity to the facility. He stated that recently Roll Off had a facility up for review with the Benton County Planning Board which denied the facility that was to be off of Highway 264, he states that the reason that it was not approved was due to the fact that it was to be used as light residential. It is Mr. Dinan's belief that it will not be in a location that it would not be used as light residential, why would it be preferable to put it in a location that would border the largest subdivision in Lowell, with 260 homes. Additionally he stated that when he spoke with one of the inspectors, currently there are no SMRF facilities built in a residential area, in this region. Mr. Dinan stated that he wanted to address another facility that Roll Off maintained in Fayetteville at 1400 Warford Lane near the transfer facility that the City of Fayetteville operates; he stated that they have had several complaints on it that he wished to address and proceeded to pass out copies of the complaints to the members of the Planning Commission. (See attached). Mr. Dinan stated that he wished to briefly go over the highlights of the complaints. He stated that the facility is one that is owned by Roll Off Services, it is considered a Waste Recovery Facility that operates under the same under the same general use permit for Solid Waste Recovery (SMRF), that is currently being proposed.

Under ADEQ guidelines it would be the exact same permit. Mr. Dinan explained the stated that the classification for the proposed facility, the first of the letters dated April 2002, listed several complaints from the citizens and the Mayor, which included the city's remedies for the complaints, are limited due to the broad nature of the ADEQ regulations, the following complaints included...

- 1) Nails, screws other debris in the road, causing flat tires
- 2) Traffic complaints from trucks going in and out all day
- 3) Complaints about dust
- 4) Some residents were complaining about sinus and chronic cough problems arising from the dust.

In March of 2003 there was a letter from the Mayor stating the facility was in violation of numerous terms of the permit.

- 1) No scales to determine accurate amounts of materials brought in on site
- 2) The waste is processed on unprepared ground instead of a processing pad
- 3) Waste was not being passed through within the 3 day limit
- 4) Facility not being operated so as to prevent the harboring and breeding of insects
- 5) The materials were being kept on site so long that the recycle ability of the material was severely affected.
- 6) Waste was spilling over property lines, destroying the fence between their facility and Fayetteville Solid Waste and Recycling Facility.
- 7) Complaint about another Rolloff facility on Cato Springs Road where they were illegally storing animal carcasses, according to the Mayor of Fayetteville.

Mr. Dinan stated that in closing his intent was not to badger Roll Off Services that he recognized the need for such a facility in Northwest Arkansas, that anything that can be done to recycle would definitely benefit everyone, but he questioned why it would be put next to a subdivision. He stated that he understood that the money would be going to parks, which he was all for. He closed by stating that currently trash day is Thursday morning, he did not wish it to be everyday.

Chairman Hook asked if there was anyone else that wished to speak for or against the rezone and clarified that the intent of the day was to the issue of the rezone, not of the specific project itself.

**Mr. Eric Schein presented to the podium.** He stated that he understood that the area in question is in an industrial section, he stated that it is his belief that it could be used in a better fashion. He explained that he started a non-profit organization that builds ice skating rinks in the Southern United States. He stated that he has not looked at the property but that as an outside observer, he questions whether or not anything else has been proposed or looked at to make this property any other type of use for recreation such as it was intended originally. Mr. Schein stated that there are other facilities such as the propane and the trucking facility that are closely located to the proposed site, but he reiterated that the whole idea of the property was to be a park, to help enhance the community and to help improve property values. Mr. Schein stated that if it didn't suit his needs, that there would

be others that might suit their needs such as skate parks that are being put up here in Northwest Arkansas that are a big hit and are actually increasing property values. He continued stating that he would like to see the property zoned for something that would enhance property values rather than diminish them.

**Mr. David Pool presented to the podium stated that he was a resident of Southfork Subdivision.** He explained that he came to discuss the Roll Off project but understood that this was a rezoning meeting. He further stated that he purchased his property knowing that the property was earmarked for a park area; he chose the large subdivision with a park nearby. He was unaware if there was another area in Lowell that had been set aside when they get the money for the property. He said that he didn't believe that it should be rezoned to I-1 for Roll Off Services, but that he and other residents purchased their homes knowing that the property was to be a park for their kids, it has not happened yet, that they are meeting with someone who is a partner of Roll Off, and has been basically been kicked around. He stated that until something has been set up for his neighborhood with a park, he stated that he felt that the property should be kept zoned for a park.

**Mr. Ron Mead presented to the podium.** Mr. Mead stated that he purchased his property as a retirement investment, and was very interested in preserving the value of the property. He wished to express to the Commissioners that they were appointed or elected to protect the citizens; it is his opinion their job is to secure the future of this community. Mr. Mead stated that the decisions that were made during the meeting would reflect on things when those present are all gone. He cited downtown areas, where the infrastructures have completely fallen apart, that there is nothing left of the city that it has all grown away from it. He stated that a decision would be made that night for something that would be so out of place. He stated that he didn't understand how it got that far. He stated he was of the opinion that the Commissioners should not act upon the decision that night and that they should wait until someone or something preferable comes forward with a plan for that site. He wished that someone else would come forward that would offer more tax revenue or benefit to the community or to actually develop it as a park. He stated to the Commissioners that if they make the decision to pass it on to the council that, it will be opened up to just about anything that is possible. He stated that it would be opened up to Roll Off to handle it through a lawsuit. He asked the Commission to stop and not consider voting on the rezone that evening. He further stated that he was unsure as to why this would come up before the comprehensive plan had been approved. He also asked if there were no subdivision approvals because of sewer and water, why this project is being considered. He stated again his wish that the issue be tabled until further notice.

**Star McCreless presented to the podium,** and stated that they have listened to the Commission ok sidings of buildings and things of that nature. She stated that she also lives in Southfork III. She requested that the Commission think about it very hard and asked that they do their homework before approving. She also said that they depend on the Commission, that they take a lot of pride in the buildings that they approve or not approved of.

**Mr. Brian Hastings of the Southfork Subdivision presented to the podium.** He stated that he and his wife frequently run in the area, and do not stay in their neighborhood, that there are no sidewalks around; they have to dodge cars to keep a close eye out. He states that there are many children in the neighborhood, that kids do not always stay contained just in their neighborhood and that he would like to see a place nearby that they could go and not be out in traffic or the railroad tracks. He stated that keeping the area a park to be a good idea.

**Guy Shumaker presented to the podium, he states that he lives on Center Drive.** He stated that the rezone would have to pass that evening as an industrial zone. He stated that there is Industrial all around there. He further spoke about the railroad track and asked the residents if they ever looked at the labels of the box cars, which go through town every single day, he explained that there is a truck repair shop, other commercial businesses. He stated that it will never be anything but industrial, there will never build houses there on the land. He stated that every morning he hears the trains going by even though he lives some distance from the tracks. He reiterated that the Commissioners have an obligation to rezone it to industrial because it will bring money into the city. He stated that a skate park, would be fine, but that there is a larger obligation to the greater City of Lowell and its citizens not only the citizens of Southfork.

**Raymond Gusick presented to the podium.** He stated that the railroad track was already there when he purchased his property so he could make his decision to purchase the property. He stated that like Mr. Pool he did his homework and understood that the largest check that he will probably ever write was to purchase his home, that it was a conscious decision to purchase his home. He stated that it is lucky that the trains do not stop and deposit their "toxins by his house", because then he would have reconsidered purchasing his home there. He stated that he would like to see the land stay zoned as agricultural and to keep it as a park, and that the challenge is to buffer the surrounding industry in such a way so that the aesthetics of the park would not be hurt. He stated that it was a challenge, that he believes that some sort of engineering magic could happen and cited the fact that trees grow high.

**Elizabeth Pendarvis presented to the podium.** She stated that she resides with her parents in the Southfork Subdivision. She stated that they are older folks who enjoy the aesthetics of the surrounding neighborhood, she further stated that she is an avid gardener, who loves to get outside when she is through working all day and enjoys spending time out in her yard and smelling the flowers and other things that nature provides.

She states that she drives through Springdale every evening and passes by the Randall Wobbe plant and is offended by the odor coming from that industry, she states understanding for the need of that industry and the fact that it is already there and is something that she tolerates. She stated that she would rather that in her own neighborhood where she goes home to sleep, to rest, to play, to recreate she would not be infused with displeasure that this project would bring. She stated that she would hate to have to be

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forced to stay inside rather than be outside to enjoy neighbors at night, to enjoy watching people and children enjoy the neighborhood. She asked that something be done for the children to benefit the community and the city, whatever project that is put in the area, she begs that it not make life for the homeowners and all the surrounding areas intolerable, because of wind conditions, the smell would go in many directions. She stated her belief that the project would affect many more residents than Southfork.

**Tonya Schein presented to the podium.** She stated that she wanted to bring up again the property values. She stated that she and her husband are middle class working people who struggle for every dime that they make that it is the biggest investment, (their home), that they have quite a bit of equity in their home. Further she states that they (she and her husband) built that equity through sweat labor that they worked for 3 months to provide their children a better neighborhood then where they were living, and to preserve the equity to take it to another home in the future. She stated that if they were to have known that there is a possibility that they could potentially lose \$10,000.00 of equity in their home, they would have never, never moved to Lowell. She stated that many people feel the same as she does. She stated that for most people, their home is the biggest investment that they will ever make. She stated that it is her belief that it is the responsibility of the Commission to protect the citizens when they are making the decision on their biggest investments. She explained that she is working class and trusts the fact that if she moves into a subdivision it will stay clean and in a protected environment for her children, that the Commission should think about the citizens that have placed their lives in the environment that the Commission chooses. She further states that they have chosen to move to Lowell, to pay property taxes, to live in Lowell, because they were sold on a clean, protected neighborhood, if a Roll Off facility is placed there, it is her opinion not very ethical, which does not protect the community with things such as smell, because it has been proven based on things posted on web sites. Mrs. Schein is of the opinion that it the responsibility of the Commission to protect the people who have purchased the property. She states that they love Lowell and that they want to see Lowell grow as much as the Commission does, and that they want nothing more than to see Lowell be the most incredible city in Northwest Arkansas. She expressed that if we think right and plan right in the beginning stages of this, and because there is so much land, we have the ability to go in so many different directions. She cited the article in the Democrat Gazette that Lowell is one of the biggest growing cities in Northwest Arkansas. She stated her belief that if planned right and good decisions are made that we could really have an incredible city, where the property values are wonderful and people consider it a privilege to move into a used home, a home that's been pre-purchased because the property values are high and the city takes care of its residents.

**Suzanne Buckner, resident of Lowell and Assistant Director of the Oak Tree Children's Academy presented to the podium and introduced herself.** Ms. Buckner stated that the Oak Tree Children's Academy is a child care facility serving 50 families in Lowell and will be less than 1/4 mile from the proposed Roll Off Facility, they were located at 212 Commercial, moved from Commercial to be out of the Industrial District. DHS standards dictate that they must spend an hour outside per day with the children. Ms. Buckner posed the question of how would it be if they have rats and mice coming into the

area and the smell of the Recycling Facility and what it might be coming into their playground. She stated that it would be 50 children ¼ mile away from the facility every day for at least an hour. She stated that she would like the Commission to consider those facts before a decision is made on changing the zoning of the property.

**Debby Mitchell presented to the podium, she stated that she lives in Lowell.** She stated that she has some concerns about the Roll Off Facility that her husband has already addressed, if you look at the Master Plan only on South Fork Phase III, there are other residential lots that are supposed to be \$40,000.00 or \$50,000.00 lots, what about the loss of tax revenue on those lots and across on Apple Blossom, which is probably all agricultural now, but it will probably be rezoned to residential, what about all of those tax dollars. The other concern that she stated was regarding the train, the train goes by her house every day, when they bought their house her grandmother told her it would only be 3 times per week, and they found out it was every day, for the first time in 15 years, she has been able to have her door open and her little girl, the first words out of her mouth were “Choo Choo”, she stated that they love the train, they have trees, honeysuckle etc, and asked that the Commission please not take that away from them.

**Bill Neil then presented to the podium and stated his address.** He stated that he felt that the Commissioners have heard what the public feels about the conditions that Roll Off will bring to the city, even though he is aware that they are not able to bring their “garbage dump” or recycling facility to Lowell, until they come back with an application, published in the paper and a public hearing with the people behind him and those that are just waiting. He then posed that all the people that are against the Roll Off Facility to please stand. *\*\* The majority of the public in attendance with an exception of about 10 people then stood (Secretary notes)\*\*\** Mr. Neil continued that those that were standing were just a small segment of people that they (the Commission) will see when the conditional use permit comes before the Commission for Roll Off Services, and he advised the Commission to have the meeting at the Fire Department instead of the current facility, because those who would be present would not even be able to stand up there and it would get very hot. Mr. Neil continued that he didn’t feel that they could stop the Commission from zoning it to Industrial-1, because the city planning map has been prepared by the Steering Committee of which he was a member of and that it starts at creek on Lincoln Avenue running south to Apple Blossom, but zoning it to Industrial-1, however the committee had no intentions of zoning it to I-1 Conditional Use. He stated that it was their intent to put in something like what is in there now, a food service business, a trailer park, a heavy equipment trucking company, they sure didn’t ask for a “garbage dump” or a recycling zone to be put in there. He further stated that he knows that in looking at the plan use that has been put before them by the Steering Committee, of zoning it Industrial-1. He stated that he wanted the people behind him to know, that if it does go to Industrial-1, that it is not a sign, by any means, that Roll Off will be in the City of Lowell, Arkansas, because it has to come to a conditional use, with a public hearing like this meeting. That they will be back if it does go Industrial-1 and goes to the Conditional Use Permit.  
(Public Applauses) (Tape ends inaudible for a few minutes)



**Chairman Hook asked if there were any other comments.**

**Mr. Harsh (Roll Off Representative) presented to the podium** and stated that he realized that there were many concerns and questions that had been brought up, but that he was not prepared to address the issues and comments that have been made, as it progresses to the conditional use, he stated that he would be more than happy to discuss the concerns and issues that the people do have. He reiterated the fact that if the plans do change, they still want to purchase the property and want to know that the property would be rezoned to Industrial-1 than Agricultural 1. Mr. Harsh concluded by stating that the rezone is all that they were asking for at this meeting.

**Ron Mead presented to the podium again**, and stated that he wanted to remind the Commission that they had the opportunity that night to not act on the rezoning issue and to pass it on to the council, he stated that it opens up a huge legal battle that they don't want to fight as a community and the Commission does not want to fight it, because he understands that the Commission has limited funds, and that people with lots of money have the ability to run "this thing" until they run out of money. He stated again, that if they don't act tonight, there is no reason to go any further. He stated his wish that the Commission to wait until someone brings in a proposal that fits their use in the zoning requirement that makes sense for this community.

**Isaac Howard presented to the podium.** Mr. Howard stated that he lives on Crystal Street, and he was not going to go through a lot of issues that others had gone through previously, but that he agreed with but most of them have already discussed. He posed the question, what Lowell has to gain from Roll Off coming in and what do they have to lose. He stated that from his perspective, Lowell has everything to lose and nothing to gain.

Chairman Hook then asked if there was no one else that wished to speak the Public Hearing would then be closed. He closed the Public Hearing at 7:36 Chairman Hook reminded the Commissioners that their task that evening was to address the rezone issue from A-1 to I-1.

Commissioner Dickson stated that several things came to mind. He affirmed that Chairman Hook was correct that this is a rezoning, not a project approval, that he understood it to be a small distinction in many peoples minds however when you are sitting there as a Planning Commissioner, it is a huge distinction. To be involved in a process where they are just determining whether or not this piece of land's best use is to be Industrial-1. He stated that having said that, this land has always been planned to be Industrial 1 as far as he could find any record. He then stated that the current land use plan has it colored in as Industrial, the future and hopefully permanent land use plan also has it as Industrial, in his mind, that removes the only legal option to refuse the application for an application for rezoning to I-1, is the fact that the city has already determined that land's best use is going to be Industrial. If someone then comes in front of the Commission that may or may not be Industrial that remains to be seen, in any case, once that land has been zoned for Industrial and they have a legal right to ask for that he stated that he didn't see how they, the

Commission could get around that. Commissioner Dickson further stated that as a point of interest, for the public present, they might be interested in what could also be in I-1 that doesn't require a conditional use permit, things like incinerators, junk or salvage yard, leather tanning, linen supply and industrial laundry, lumber yard, machine or welding shop, machinery manufacturing, the list goes on, but those and more are all permitted uses in that district and to stand and argue that Roll Off shouldn't be allowed, maybe that's a good argument, but tonight is not the night to do it. He further stated that he felt that there were plenty of things that would be even more heinous to put on that land that doesn't require a conditional use permit and that needs to be remembered when the discussion continues. Commissioner Dickson made a final point as a challenge, he stated that there is so much passion in the room, on both sides, obviously there are a lot people there that are against the project and they heard that this evening, but this meeting is after the fact, if the public wants to affect the way the city looks in 20 years from now, the time to get involved is in the planning process. He continued that as he looked through the room, he recognized several that had been to planning meetings, but by and large most of those present had not, that is when the determination as to what part of the city would be Industrial, which section will be Commercial, which section will be Park, we need that passion, he stated that he wasn't saying that to make anyone feel bad, but the Commission spends hours there and he recalled several meetings that went late until 10 or 11pm talking over these very issues, where should Industrial districts sit, what is a good buffer, is a 100 foot right of way for the rail road a good buffer between a residential and a commercial area, or residential and industrial area. Commissioner Dickson expressed that he was frustrated because that type of passion is needed at that time and further stated that he did not hear a good legal reason to deny the application to turn the land to I-1. Commissioner Dickson stated there was not a good legal challenge to deny turning it to I-1, there was some great arguments to denying the conditional use permit and he encouraged the public that came forward to the public hearing and speak their minds, because at that time he said he would be more inclined to be questioning Roll Off and asking their exact plans. Commissioner Dickson further stated that there is some great language written into the code that will make it allowable for us to make that Conditional Use permit renewable every year or subject to certain conditions and it is in the plan to do just that, but the Commission is interested in the public feedback so that the process can work for us instead of against us, because someone who came up to the podium said it best when they said, "We are all in this together, and we want the City to be great", he further stated that none of the Commissioners are sitting up there trying to figure out how to ruin Lowell.

Chairman Hook stated that the Master Land Use Plan Steering Committee, that there is one meeting left, to finalize the land plan, to "dot the i's and cross the t's", someone had asked why would we want to rezone something before the plan completed. The plan has been all but completed; there is one meeting left when that will be done. The meeting is coming up very soon, where that will be done and to Commissioner Dickson's point, that land is designated as Industrial, in the Master Land Use Plan as in previous plans, as we sit here tonight and think about rezoning, we must think of what the land use plan calls for and it calls for this land to be I-1.

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Chairman Hook asked that the Commission consider that in making it's decision and moves forward, again, when the next phase comes and when a large scale development comes in or someone wants to do something on that land, if that I-1 designation calls for a conditional use of that land then they will come forward at that particular time, but at this meeting, we are looking for the best use for the land or what the land is designated for, all of the plans call for that piece of land to be designated as I-1.

Commissioner Graham stated that he was happy that Chairman Hook brought up the Land Use Plan, that the gentleman of the public had noted that the plan had not been completed, that in fact it had been completed, which the public has not had the opportunity to review it but that there are several small parks and walking trails over the entire city. He stated that he wanted to make that point.

Chairman Hook stated that he thought Commissioner Graham's point was a great point to make that even though the Master Land Use Plan was not being discussed at this meeting there are a number of areas designated in that land use plan that discuss park and where they should be located in the city, so the City of Lowell is very concerned about having a park system, walking trails, parks and where they should be located and different size parks throughout the city as we move forward throughout the years. Chairman Hook stated that since the public has been heard, if there was any more discussion before a motion is brought forward.

Commissioner Williams stated that there have been a lot of good comments made, a lot of people have expressed their decisions, but he questioned whether or not a decision had to be made at this meeting. He asked if the Commissioners should perhaps think about it, and perhaps table it to the next meeting, to make sure the right decision is being made.

Commissioner Wright Brown stated that knowing that the Land Use plan is coming that there is no reason for a big push to rezone to I-1. She stated her appreciation to the public for coming out and stating their opinion, being involved and asked that continue to be involved as more decisions are being made for property in Lowell.

Chairman Hook stated his appreciation for those comments and asked there to be a motion if the subject needs to be tabled to another meeting. Chairman Hook stated that his position is that they know that the property is going to be I-1 and there is an opportunity to get it taken care of at this meeting.

Commissioner Dickson asked who owns the property in question.

After some discussion among the Commissioners it was agreed that the city currently owns the land in question.

Commissioner Dickson stated that he had a rebuttal to the idea of tabling, he stated that he felt that they were not doing their job if it was tabled, that it felt like every other rezone,

that this is no different because there is someone who is authorized to ask for the rezone, in some ways it's almost easier because the land has both in the past and in the future planned to be industrial.

Chairman Hook stated that he was willing to vote on tabling if a motion is made to see how the Commission votes.

**Commissioner Williams made the motion to table the vote to the next meeting.**

**Commissioner Wright-Brown seconded the motion.**

**A roll call vote was taken there were 5 no votes with 2 votes of yes by Williams and Wright-Brown.**

**Motion Denied.**

**Commissioner Dickson made the motion to recommend the rezoning to City Council.**

**Commissioner Farris seconded the motion.**

**A roll call vote was taken there were 6 votes to approve with 1 dissenting vote by Commissioner Wright-Brown.**

**The motion was carried to pass the recommendation for rezoning of the property to City Council.**

Chairman Hook offered appreciation to the public for their participation and taking an interest. He then adjourned for a 5 minute recess.

**VI. Old Business:** none

At 8:05pm the meeting was brought back to order by Chairman Hook.

**VII. New Business:**

**Lowell Collision Center:** Eric Anderson (Owner/Applicant) EDA Brett Watts (Representative)

Brett Watts presented to the podium stated that he represented Eric Anderson for large scale development for approval. He stated that he was aware that all the Commissioners had been given the plan a month previous and that there had been several changes made to the plan based on the suggestions that had been made. The privacy fence has been extended from the front corners of the building around the perimeter of the building with more asphalt in the front, where all of the gravel paving is now hidden from view, all of the parking and landscaping requirements are being met, with a landscape buffer for surrounding area, and it is on a private septic system, which they have been approved for development against the moratorium. He asked if there were any questions from the Commissioners.

Chairman Hook asked Engineer Swope if everything had been completed to the City's satisfaction. Engineer Swope stated that it has been taken care of.

Commissioner Williams asked if the fence goes all the way around to the corners of the building. Mr. Watts stated that it did, the fence goes all around the building and the area where the cars will be parked.

Chairman Hook inquired if the fence was 6 foot or 8 foot. Mr. Watts stated that the fence is 6 foot. Commissioner Williams asked if any of the vehicles will be stored in view. Mr. Watts answered that all will be contained within the fence.

Commissioner Graham asked if there were any concerns with regard to the septic system and the flood plain. Mr. Watts answered that it has all been approved by the health department and given their ok.

Chairman Hook complimented Mr. Watts on the fence, that had been one of the Commission's biggest concerns, and it was addressed and more than was requested was done. Commissioner Wright-Brown asked where the gate for the fence was. Mr. Williams stated that it will be on the west side of the building between the dumpster pad and the building itself.

Commissioner Wright-Brown asked if the dumpster was screened in any way. Mr. Watts stated that it would be screened by a 6' foot privacy fence around it; it couldn't be put in the back because of trash service access. It will be a wood privacy fence to hide it visually. Commissioner Dickson asked that the fence be put on the final plans. Mr. Watts agreed.

Commissioner Wright noted a concern in the case of a fire in one of the vehicles, where would the emergency vehicles be located. Mr. Watts answered that the fire vehicle would be in the front, that he agreed that there should be pedestrian access from there in the fence. Chairman Hook asked if Chief Barker had indicated concerns on the matter.

Mr. Watts stated that there will be a fire hydrant there as requested by the Fire Department.

**Commissioner Dickson made a motion to approve the Large Scale Development plans for this project, contingent upon drawing the fence around the dumpster pad. Commissioner Williams seconded the motion.**

**A roll call vote was taken there were 7 yes votes with 0 no votes.**

**The motion was carried and the Large Scale Development project was approved.**

**LSD- Take us for Granite-** David Simpson Owner

David Simpson presented to the podium. He asked that the plans be approved with the changes that had been made.

Chairman Hook asked Engineer Swope where he stood on the project. Engineer Swope stated that the Technical Plat comments had all been addressed with the exception of the variances that were addressed in the previous Board of Adjustment meeting.

Commissioner Dickson asked if there was a more complete drawing of the monument sign other than line drawing. He asked what it would be built out of. Mr. Simpson answered that it was intended to be built out of granite etched lettering, so that it really would look like a monument. Mr. Simpson noted that it would be a 5 x 10 slab with a sign, the sign would be darker with lighter lettering.

**Commissioner Williams made a motion to approve the Large Scale Development with the removal of the variance for the elevation changes to reflect the new stucco versus the metal siding. Commissioner Wright seconded the motion. A roll call vote was then taken with 7 yes votes and 0 no votes.**

**The motion was carried and the Large Scale Development project was approved.**

**VIII. Presentations & Discussions:** none

**IX. Meeting Adjourned:**

**Commissioner Williams moved to adjourn the meeting with a second by Commissioner Dickson. On voice vote it was unanimous. The motion carried. The meeting was adjourned at 8:19 pm.**

APPROVED:

ATTEST:

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Mike Hook, Chairman

\_\_\_\_\_  
Kelly Kennedy, Secretary